

Donna Hess (ProSe)  
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UNITED STATES DISTRICT COURT  
 FOR NEW JERSEY

Donna Hess

Petitioner

Case No.: 3:06-CR-912-01

v.

United States of America

Respondant

MOTION REQUESTING CONSIDERATION  
 IN MODIFYING SENTENCE

*7/24/08  
 denied  
 Peter H. Anderson*

Petitioner Donna Hess (Hereinafter, "Hess") comes before this court Prose, not represented by counsel, to plea with the court consider modifying her sentence. Based on the case *Gall v. United States*, No. 06-7949, (8th District), and the similarities it has to her own case. As she will try to bring forth in this motion.

As in *Gall v. United States*, No. 06-7949 (8th District). "Hess" withdrew from the conspiracy even before she knew of an indictment, and has shown that she has had no involvement with drugs ever since, has held a steady job and become a productive citizen, and is in no way a danger or threat to society.

The government has never questioned the truthfulness of any of "Hess's" statements, or that she had any other knowledge of, other aspects of the conspiracy. "Hess" admitted to her involvement in the conspiracy.

"Hess" entered a plea agreement, stipulating to her knowledge of the conspiracy, but not having any direct involvement. "Hess" let it be known to her co-conspirator that she no longer wanted involvement, so she left him and filed for a divorce, long before she was ever indicted.


In *Gall v. United States*, No. 06-7949 (8th Circuit), The District Court quite reasonably attached great weight to the fact that Gall voluntarily withdrew from the conspiracy after deciding on his own initiative, to change his life. "Hess" prays that this court will consider the same on her behalf. In fact "Hess" post-offense conduct was not motivated by a desire to please the court or any other governmental agency, but was the pre-indictment product of the Petitioners own desire to lead a better life.

Also, in *Gall v. United States*, No. 06-7949 (8th District), the defendants post-offense conduct indicated that he neither would return to criminal behavior, nor that he is a danger to society. "Hess" would like court to know that she also has no criminal history and has not been involved in any criminal activity since her detachment from her co-conspirator in 2004. She has made a new life for herself and knows she can be a lot more beneficial to society if given the opportunity.

In *Gall v. United States*, No. 06-7949 (8th Circuit) the District Court sentenced Gall to 36 months probation instead of the recommended 30 to 37 months in prison, from the United States District Attorney. Finding that probation reflected the seriousness of his offense and that imprisonment was unnecessary because of his voluntary withdrawal from the conspiracy and post-offense conduct showed that he would not return to any kind of criminal behavior and was not a danger to society.

"Hess" is pleading with the court to reconsider her sentence of 36 months to 13 months of incarceration and her 3 years of probation to 5 years of probation. If the court were to grant this to "Hess", she would be truthfully serving a longer sentence than originally sentenced.

"Hess" respectfully submits this motion to the court for consideration on this 17 day of June, 2008.

  
DONNA HESS (Petitioner)  
Reg. #34567-086

